

EXHIBIT

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December 19, 2014

By Email

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Re: 03 MDL 1570 (S.D.N.Y.)

Dear Bob, Sean and Jim:

Attached, as promised in my December 15 letter, is our privilege log. Additionally, we have withheld, on the basis of our objections to the requests, documents responsive to the following requests: 1, 2, 4, 5, 7, 25, 46, 59, 61, 62, 63, 65, 78, 82, 83, 84, 85, 91, 93, 95, 96, 97, 98, 99, 100, 103, and 104.

In reviewing our documents we discovered one document that was inadvertently omitted from the production. It is responsive to Request No. 70, and a copy is attached. Had it been produced, it would have been between Bates Nos. KADI0051863 and KADI0051864.

Robert T. Haefele, Esq.

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December 19, 2014

Sean P. Carter, Esq.

James P. Kreindler, Esq.

I assume that we will be receiving from you shortly a letter identifying by request number our document requests as to which you are withholding documents on the basis of an objection to the request. We also anticipate a chart or some other document such as the one we sent you, cross-referencing the Bates numbers of the documents in your production with our document requests to which the produced documents respond. I am addressing this letter to Jim Kreindler as well, because defendants need this cross-referencing from the *Ashton* plaintiffs.

In the meantime, would you please clarify the contents of the disk Bob sent us earlier this week along with an 18-page list of Bates numbers? It appears that the identical list was sent to Alan Kabat but with a cover letter identifying the disk and the Bates numbers as pertaining to "defendants." The cover letter to us identified the disk as pertaining to Mr. Kadi. Can you please advise whether the documents on this list are intended to pertain to Mr. Kadi only?

Thank you in advance for your cooperation.

Sincerely,



Peter C. Salerno

Attachments

cc w/ att: Defense Counsel